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In re Application of	:	
LINDQVIST et al.	:	
U.S. Application No. 10/009,302	:	
PCT No.: PCT/SE00/01049	:	DECISION ON PETITION
Int. Filing Date: 24 May 2000	:	UNDER 37 CFR 1.47(b)
Priority Date: 15 June 1999	:	
Attorney Docket No.: 627-1446	:	
For: METHOD AND DEVICE FOR	:	
BATTERIES	:	

This is a decision on applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 09 April 2003 to accept the application without the signature of inventors, Frank Lindqvist and Henrik Lindqvist.

### **BACKGROUND**

On 24 May 2000, applicant filed international application no. PCT/SE00/01049 which claimed a priority date of 15 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2000. A proper Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, i.e., 15 December 2001.

On 07 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 14 February 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 13 August 2002, applicant filed "Petition under 37 CFR 1.47(b)" and a petition and requisite fee for a four-month extension of time. The petition was dismissed in a decision dated 19 December 2002.

On 09 April 2003, applicant filed present petition and a two-month extension of time.

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DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submission, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is GRANTED.

The application will be given an international filing date of 24 May 2000 under 35 U.S.C. 363, and a date of **13 August 2002** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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